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U.S. Appl. No. 10/765,243
Page 16**REMARKS/ARGUMENTS**

In the Office Action dated December 12, 2006, claims 1-30 were rejected under 35 USC § 103(a) as being unpatentable over Faust (U.S. 4,009,495). The Examiner contends that the "undergarment of Faust has a mesh opening on the second panel that is 10 times more than the mesh openings of the front panel" and that "the Applicant's specification does not provide any criticality as to why the openings in the second panel have to be between 2-9/3-8/3-6 times greater than the average area of the openings of the front panel, so as such, Faust's undergarment provides a very high degree of ventilation to genital parts of the body that tend to perspire." Office Action, page 3.

Faust does not disclose openings being between 2-9 or 3-8 or 3-6 times greater, but rather states that the "crotch portion [has] considerably larger mesh than the remainder of the brief or panty, that is, having a mesh opening of 10 times more than the mesh openings in the knit plastic body portion." Faust, col. 2, lines 21-24. The space of the fibers associated with such large openings can cause irritation when the fibers rub against the skin similar to irritation that occurs with the "mesh" lining of men's bathing suits. Having openings in the second panel between 2-9 or 3-8 or 3-6 times greater than the average area of the openings of the front panel is advantageous because openings of those sizes (1) provide sufficient ventilation to the crotch area of the wearer to prevent vaginal infections caused by moisture in the panty, and (2) are not so large as to cause irritation. Moreover, the increase in air flow through the second panel not only helps to prevent vaginal infections but also helps the healing process for a wearer who already has a vaginal infection.

The Examiner rejected claims 1-30 as being unpatentable over Faust. But the Examiner failed to establish a prima facie case of obviousness. The Examiner made a

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blanket assertion of unpatentability and failed to articulate any reasons why many of claims 1-30 were obvious in light of Faust. In addition, the Examiner did not state that any of the dependent claims would be allowed if rewritten in independent form. For example, claim 11 includes the limitation, "wherein the pattern of the first threads in the front panel are sufficiently tight so that the front panel is silky smooth to the touch." As another example, claim 12 includes the limitation, "wherein the pattern of the threads in the front panel is sufficiently tight so that overgarments easily slide over the front panel and do not cling to the same to any substantial degree." As another example, claim 16 includes the limitation, "wherein the third threads of the back panel are sufficiently tight so that overgarments easily slide over the back panel and do not cling to the same to any substantial degree."

As another example, claim 17 includes the limitation, "wherein the second panel is secured to the front panel by stitching," which is contrary to the teaching of Faust that the panels should be knitted together. Faust, col. 1, lines 25-29. As yet another example, claim 18 includes the limitation, "wherein the stitching comprises cotton." As yet another example, claim 19 includes the limitation, "wherein the back panel is secured to the second panel by stitching comprising cotton." Applicant maintains that claims 1-30 are not obvious in light of Faust.

Regarding the amendments, paragraphs [0002], [0005], [00027], [00028], [00029], and [00034] in the Specification have been amended to correct minor typographical errors. Claims 9, 24, and 27-29 have been amended to correct minor typographical errors. Dependent claims 31-38 have been added.

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In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of the claims now in the case.

Respectfully submitted,

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